

**ORDINANCE NO. 2023-7**

**CITY OF BUFFALO  
WRIGHT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 50 OF THE BUFFALO CITY CODE, KNOWN AS THE ZONING ORDINANCE, BY PROVIDING FOR A REVISED DEFINITION FOR RELIGIOUS ASSEMBLIES AND CHURCHES AS "PLACE OF WORSHIP", PROVIDING FOR SUCH USE AS A PERMITTED USE IN THE B-4, GENERAL BUSINESS DISTRICT, AND MODIFYING THE DEFINITION OF "CHURCH" TO REFER TO "PLACE OF WORSHIP".**

**The City Council of the City of Buffalo hereby ordains:**

**Section 1.**

Section 50-3 is hereby amended to read as follows:

**Church** - see "Place of Worship".

**Section 2.**

Section 50-3 is hereby amended to add the following:

**Place of Worship.** A building, or structure, in which assemblies or activities of an organized religious group are conducted as the Principal Use of the premises, and which includes the grounds and any other buildings on the grounds used for such assemblies or activities and accessory uses. A Place of Worship shall not include a school regulated by Minnesota educational standards or licensed daycares for compensation, for purposes of this ordinance.

Accessory uses, for the purposes of this definition, shall include other uses allowed in the zoning district in which the Place of Worship is located, when conducted on the same property or within the same building, as the Principal Use of Place of Worship. Childcare, education classes, study groups, and similar activities that cater to the parishioners of such Place of Worship, conducted contemporaneously, or occasionally throughout the week, shall be considered accessory uses to this principal use, provided they are related to the principal use, and clearly subordinate and incidental to the Place of Worship in scope, size, extent, or other measurement.

Other uses proposed on the same premises that exceed the scope of an accessory use may be considered by the Zoning Administrator to be a second principal use, and shall be processed only in accordance with the requirements of this Code.

### **Section 3.**

Section 50-74 (b), Permitted Uses in the B-4, General Business District, is hereby amended to add the following:

(33) Place of Worship

### **Section 4.**

The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Buffalo City Code, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations and diagrams that result from such amendments, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

### **Section 5.**

This Ordinance shall take effect and be in full force from and after its passage and publication.

ADOPTED AND APPROVED FOR PUBLICATION BY the Buffalo City Council this 3rd day of April, 2023.

Teri Lachermeier, Mayor

ATTEST:

Susan Johnson, City Clerk

**ORDINANCE NO. 2023-9**

**CITY OF BUFFALO  
WRIGHT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE BUFFALO CITY CODE  
CHAPTER 6 TO ALLOW LIMITED KEEPING OF CHICKENS**

THE CITY COUNCIL OF THE CITY OF BUFFALO, MINNESOTA DOES HEREBY  
ORDAIN:

Section 1: That City Code is hereby amended by the addition of Chapter 6, Sec. 6-9. – Limited Keeping of Chickens which shall read as follows:

**Sec. 6-9. - LIMITED KEEPING OF CHICKENS.**

a) Conditions. The limited keeping of chickens may be permitted as an accessory use to a legally established single-family residence subject to the following:

1. The property shall be occupied with a single-family home in a R-1, R-2, or R-3 zoning district. The owner of the chickens shall live in the dwelling on the property and the property owner is in receipt of a permit as required by this Ordinance.
2. No person shall keep more than four total hen chickens.
3. No person shall keep roosters or adult male chickens.
4. By accepting this permit, you are authorizing an inspection of the coop at any reasonable time by an agent of the city.

b) Chickens shall be kept within a separate enclosed accessory building and fenced outdoor containment area subject to the following:

1. The accessory building shall be less than 40 square feet in size and not exceed six (6) feet in height.
2. The accessory building and containment area shall comply with all setbacks and other standards for accessory buildings, unless otherwise stated herein. All accessory buildings and containment areas must also be located outside of any easements and the shore impact zone if applicable.
3. The outdoor containment area shall be screened from view from all

- neighboring properties and rights-of-way year-round and be placed on the property in a location relative to neighboring properties as inconspicuously as possible. Outdoor containment areas shall not exceed 20 square feet per bird and shall not have a fenced enclosure greater than six (6) feet in height.
4. The accessory building and containment area shall be in the rear yard only and shall be at least 25 feet from adjacent habitable structures on neighboring properties.
  5. The accessory building shall be fully enclosed to prevent any escape by the chickens or entrance by migratory birds and other predators. The bottom floor of the coop shall be elevated at least 12 inches off the ground to prevent the burrowing of said predators.
  6. Fencing used to contain chickens shall comply with the applicable conditions of the City Code.
  7. Chickens shall not be kept within the primary dwelling unit or garage.
  8. The accessory building shall be constructed of rot resistant materials and shall be painted and built to the same quality standards as a shed. The accessory building and containment area shall be maintained in good repair, in a clean and sanitary manner, free of vermin, and free of objectionable odors.
  9. Chickens shall remain in the accessory building and / or containment area at all times and shall not run at large.
  10. Chickens shall remain in the accessory building from sunset to sunrise each day to prevent nuisance noise and the attraction of vermin and predators.
  11. The accessory building for the purpose of this ordinance shall not count towards the one accessory building limit, nor the allowable accessory building square footage, otherwise allowed for residential properties but is subject to all other limits and standards, including impervious surface standards.
  12. The accessory building and containment area must be removed, and the site restored if the keeping of chickens is discontinued for more than 12 consecutive months. The accessory building may not be repurposed for use as storage if the keeping of chickens is discontinued.
- c) The slaughter of chickens on site is prohibited.
- d) The raising of chickens for breeding purposes is prohibited.

- e) The sale of eggs or other commercial activity on the premises is prohibited.
- f) Feces, waste, and discarded feed shall be regularly collected and only stored temporarily on site in a leak-proof container with a tight-fitting cover to prevent nuisance odors and the attraction of vermin. Such waste shall not be composted on site but can be composted at the City of Buffalo composting facility in a compostable bag or be disposed of in a separate, tightly secured bag in the trash.
- g) Chicken feed shall be stored in leak-proof containers with a tight-fitting cover to prevent attracting vermin.
- h) No chicken may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other property in the vicinity by reason of noise, odor, or filth.
- i) Dead chickens must be disposed of according to the Minnesota Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Acceptable methods of chicken carcass disposal include burial or these off-site options: incineration, rendering.
- j) Application for and Issuance of a Permit. Any person desiring to keep and maintain chickens under this section shall first obtain a Chicken Permit from the City of Buffalo. The applicant for the permit shall be the owner of the parcel for the which the application is submitted.

1. The individual applicant(s) represents, acts on behalf of, and binds all occupants of the parcel. The applicant(s) are responsible for assuring compliance with the terms and limitations of this section.
2. The City shall create an electronic application that seeks information relevant to this section including the number of chickens that will be maintained on the parcel and the method for handling and disposal of chicken manure and waste.
3. The permit shall be valid through the end of the calendar year (12/31/20xx) and must be renewed at the beginning of each calendar year. Each property is eligible for one permit per calendar year. Permits may be denied or revoked if the applicant has failed to comply with the terms of this ordinance.
4. The applicant shall pay the fee as set by the City Council and is reflected in the City's current year Fee Schedule.
5. The applicant shall verify that they have read and are familiar with the terms and limitations of this ordinance and agrees to comply therewith.

6. Abutting property owners shall be notified by the City upon receipt of the application – including annual permit renewals – as stated herein.
7. Permits are non-transferable and are not tied to the parcel.
8. The permit is a limited privilege and is subject to denial or revocation for failure or inability to comply with this section or with state or federal law or regulations, or for reasons relating to the health, safety, and welfare of citizens of the city, or for other violations of City Code, or for delinquent municipal utilities or property taxes. The issuance of the permit does not create a vested right in any person or in the property.
9. Anyone denied a permit or renewal thereof may file with the City Clerk a written request for a hearing before the Council on the denial. If the applicant does not request a hearing in writing within seven (7) days of receipt of notice, the revocation will be final.
10. Before revocation of any permit, the council shall give notice to the permittee and grant such permittee the opportunity to be heard. If the permittee does not request a hearing in writing within seven (7) days of receipt of notice, the revocation will be final.

This Ordinance shall be effective upon publication but not prior to September 1, 2023.

Passed by the Council this 21<sup>st</sup> day of August, 2023.

Teri Lachermeier  
Mayor

Susan Johnson  
City Clerk

This ordinance was published on August 24, 2023 in the Wright County Journal Press.

**ORDINANCE NO. 2023-10**  
**CITY OF BUFFALO**  
**WRIGHT COUNTY, MINNESOTA**

AN ORDINANCE AMENDING SECTION 50-73 OF THE BUFFALO CITY CODE, KNOWN AS THE ZONING ORDINANCE, BY PROVIDING FOR MAJOR AUTO REPAIR AS A CONDITIONAL USE IN THE B-3 ZONING DISTRICT.

The City Council of the City of Buffalo hereby ordains:

**Section 1.**

Section 50-73(d) is hereby amended to add the following:

(12) Major Auto Repair, provided that:

- a. Setbacks from any residentially zoned property are not less than 100 feet.
- b. Outdoor storage of repair vehicles is completely screened from adjoining residentially zoned property to a height of not less than eight (8) feet. Where screening is eight (8) feet in height or less, the screening shall consist of a solid-wall fence consistent with the requirements of the Zoning ordinance, and landscaping on the outside of the fence area. Structures of more than eight (8) feet in height used to screen such storage shall not require the additional landscaping.
- c. Storage areas shall be surfaced with bituminous or concrete pavement. The storage area shall have a drainage plan approved by the City Engineer, which may include concrete curbing or other elements as necessary.
- d. No area used for the storage of repair vehicles shall be located in any space between the front building line and the public right of way.
- e. The site meets all other requirements applied to other uses in the B-3 District.

**Section 2.**

This Ordinance shall take effect and be in full force from and after its passage and publication.

**Section 3.**

The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Buffalo City Code, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations and

diagrams that result from such amendments, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

#### **Section 4.**

This Ordinance shall take effect and be in full force from and after its passage and publication. Revisions will be made online after adoption by Council. Copies of the complete Zoning Ordinance are available online and at Buffalo City Hall.

Passed by the City Council of the City of Buffalo this 17th day of July, 2023.

Teri Lachermeier, Mayor

ATTEST:

Susan Johnson, City Clerk



**ORDINANCE NO. 2023-11**  
**AN ORDINANCE AMENDING THE BUFFALO CITY CODE**  
**ENACTING CHAPTER 7 LICENSING AND REGULATION OF MASSAGE**  
**BUSINESSES AND SERVICES**

THE CITY COUNCIL OF THE CITY OF BUFFALO, MINNESOTA DOES HEREBY  
ORDAIN:

Section 1: That City Code is hereby amended by the addition of Chapter 7 - Massage  
Businesses and Services which shall read as follows:

Chapter 7 – Massage Business and Services

Article 1 – In General.

Sec. 8-1. – Purpose.

The purpose of this chapter is: 1) to establish standards and regulations for massage  
businesses and services commercially available to the public that protect the health,  
safety, and general welfare of the public, and 2) to provide standards and mechanisms  
protecting against exploitative and illicit conduct including but not limited to human  
trafficking and forced labor.

Sec. 8-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the  
meanings ascribed to them in this section, except where the context clearly indicates a  
different meaning:

*Accredited Institution.* An educational institution holding accredited status with the  
United States Department of Education or Minnesota Office of Higher Education or  
similar agency of another state or a regional accrediting agency approved by the United  
States Department of Education.

*Accredited Program.* A professional massage program or educational institution  
Accredited by the Commission on Massage Therapy Accreditation (COMTA).

*City.* City of Buffalo, Minnesota.

*Clean.* The absence of dirt, grease, rubbish, garbage and other offensive, unsightly or  
extraneous matter.

*Good Repair.* Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear,  
leaks, obstructions and similar defects so as to constitute a good and sound condition.

*Healthcare Facility or Provider.* Any person providing medical, surgical, dental,  
chiropractic or osteopathic services, or physical therapy services pursuant to a  
prescription therefor, wherein practitioners licensed by the State, such as, but not  
limited to, a hospital, sanitarium, hospice, nursing home or other institution for the  
hospitalization and care of human beings duly licensed under the provisions of  
Minnesota Statutes Section 144.50 to 144.69.

*Massage.* Any method of applying pressure on or friction against the external parts of the human body – including but not limited to rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, and/or rolling - with the hands or arms or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

*Massage Business.* The offering of massage services to the general public, regardless of whether the offer is limited to only select invitees or organizational members, including massage services conducted as a home occupations, but excluding services conducted exclusively in the home of the massage customer either within or outside of the City.

*Massage Therapist.* An individual who practices or administers massage to the public who can demonstrate to the Issuing Authority that he or she:

(1) has current insurance coverage of five hundred thousand dollars (\$500,000) for professional liability in the practice of massage;

(2) is affiliated with, employed by, or owns a therapeutic massage business licensed by the City; and

(3) has completed five hundred (500) hours of certified therapeutic massage training from an Accredited Institution or Accredited Program approved with curriculum content that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice, and has provided either an original or certified transcript of said training.

*Operate.* To own, manage, or conduct, or to have control, charge, or custody over.

*Person(s).* Any individual, firm, association, partnership, corporation, limited liability company joint venture, or combination of individuals.

*Sanitary.* Free from pathogenic microorganisms.

*Therapeutic Massage Establishment.* A massage business that employs or hires licensed therapeutic massage therapists to provide therapeutic massage within the City for a fee or other consideration.

*Within the City.* Any physical presence within the City, including mobile massage operations.

Article 2 - Licenses.

Sec. 8-3. - License Required.

(a) Therapeutic Massage Establishment License. It shall be unlawful for any therapeutic massage establishment to operate, engage in, or carry or provide massage services within the City to the public for consideration without first having obtained a license from the City pursuant to this chapter. The owner/operator of a therapeutic massage establishment need not be licensed as a therapeutic massage therapist if he

or she does not at any time practice or administer massage to the public.

(b) **Massage Therapist License.** It shall be unlawful for any person to practice, administer, or provide massage services to the public for consideration within the City without first having obtained a license from the City pursuant to this chapter, but excluding services conducted exclusively in the home of the massage customer either within or outside of the City.

(c) **Retroactivity.** The provisions of this chapter shall apply retroactively. Existing therapeutic massage establishments and massage therapists subject to the licensing requirements shall have until January 1, 2024 to submit the required license application and fees and conform to the requirements herein.

#### Sec. 8-4. - Exceptions.

Therapeutic massage establishment licenses and massage therapist licenses are not required under this chapter for the following places, and employees thereof, where massage services are provided by or under the direction of any of:

(a) Persons duly licensed as a doctor in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, podiatry so long as the massage is administered in the regular course of the medical practitioner's practice to prepare a patient for a medical procedure, or in complement to a medical procedure previously performed on the patient and the massage is not provided as part of a separate and distinct massage business. Any licensed doctor offering any form of massage without a direct link to a medical procedure must obtain a massage therapist license.

(b) Persons working solely under the direction and control of a duly licensed medical professional licensed under Minn. Stat. Chapter 147 or 148 or a dental professional licensed under Minn. Stat. Chapter 150A, provided the massage is administered on the premises of the medical business.

(c) Places duly licensed or operating as a hospital, clinic, nursing home, hospice, sanatorium or group home established for the hospitalization or care of human beings, provided the massage is administered only to the residents or patients of the facility as part of their care and not provided as part of a separate service.

(d) Athletic trainers, certified by the National Association of Athletic Trainers (NAAT), when working with an amateur, semiprofessional or professional athlete or athletic team.

(e) A student enrolled in any accredited institution that provides an accredited program of study or course work involving massage therapy, provided that the massage is provided during and as a part of the course or clinical component of the institution's program or course work and the students are supervised by an instructor while performing the massage therapy.

(f) Persons providing temporary massage services such as "chair massage" are not required to obtain a therapeutic massage establishment license if the following requirements are met:

1. The massage is provided in a place of business where the massage can

- easily be seen by any employee or visitor on the premises;
2. The establishment where the massage is being provided does not hold a license to sell alcoholic beverages;
  3. Each recipient of a massage remains fully clothed in the normal daytime attire worn when he or she enters the establishment and does not remove any clothing, except outerwear such as a coat or jacket.

#### Sec. 8-5 - License Application.

(a) Therapeutic Massage Establishment License Application. An application for a therapeutic massage establishment license shall be made on a form supplied by the City. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. It shall be the continuing duty of each licensee to properly notify the City within ten business days of any change in the information or facts required to be furnished on the application for license. Failure to comply with this requirement shall constitute cause for denial, revocation or suspension of such license.

(b) Massage Therapist License Application. An application for a massage therapist license shall be made on a form supplied by the City. All questions asked or information required by the application forms shall be answered fully and completely by the applicant. It shall be the continuing duty of each licensee to properly notify the City within ten business days of any change in the information or facts required to be furnished on the application for license. Failure to comply with this requirement shall constitute cause for denial, revocation or suspension of such license. Photo I.D. cards will be issued to each massage therapist granted a license.

#### Sec. 8-6. – License Fees.

The fees for a therapeutic massage establishment license and therapeutic massage license shall be established by the City Council from time to time. Each application for a license shall be accompanied by payment in full of the required license and investigation fees, as applicable.

#### Sec. 8-7. – License Application Verification and Consideration.

(a) Background Investigation Release. Applicants for initial licenses shall also submit an executed release of information authorizing the Chief of Police to obtain any information pertaining to the applicant's character or criminal history which may be deemed confidential, private, or privileged by the laws of the United States or of any state.

(b) Verification. The City may conduct any and all investigations deemed necessary by the City to verify the information provided by the applicant on the application form, including, but not limited to a criminal history inquiry and driver's license history. Within a reasonable period after receipt of a complete application form and applicable fees, and completion of the investigation, the City shall grant or deny the application. Notice shall be sent by regular mail to the applicant upon denial informing the applicant of the right to appeal to the City Council within 20 days. Failure to request a hearing within 20 days of receipt of the Notice shall be a waiver of the right to appeal. If an appeal is properly made the matter shall be placed upon the next available City Council agenda.

## Sec. 8-8. - Persons Ineligible for License.

The City may deny issuance of an initial therapeutic massage establishment license or initial massage therapist license in any of the following circumstances:

- (a) The applicant is not 18 years of age or older at the time the application is submitted to the City;
- (b) The applicant has been convicted of any crime deemed by the City to be directly related to the massage business as prescribed by Minn. Stat. § 364.03, subd. 2, and who the City has determined has not shown competent evidence of enough rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minn. Stat. § 364.03, subd. 3;
- (c) The applicant has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, establishment, business or firm, a massage license that was denied, revoked or suspended within the last ten years of the date the license application is submitted to the City;
- (d) The applicant is legally prohibited from working in the United States or has employed persons who are legally prohibited from working in the United States within the ten years preceding the current application;
- (e) The owner, operator, or any person who has a five percent financial interest in the business or the appointed on-site manager or agent applicant is not of good moral character or repute;
- (f) The applicant is not the real party in interest of the establishment.
- (g) The applicant has knowingly misrepresented or falsified information on a license application or failed to provide all information required by the application form, or has misrepresented, falsified or omitted information on any prior application within the ten years preceding the current application;
- (h) The applicant does not meet the definition of therapeutic massage therapist or therapeutic massage establishment (as applicable) as defined in this chapter;
- (i) The applicant does not have adequate insurance coverage in effect as required by this chapter;
- (j) The applicant owes taxes or assessments to the state, county, school district, or City that are due and delinquent;
- (k) The applicant is an individual or is the spouse of an individual whose massage-related license has been suspected or revoked in the past five years.

## Sec. 8-9. – Locations Ineligible for Therapeutic Massage Establishment License.

- (a) **Delinquent Taxes.** No therapeutic massage establishment shall be licensed if such establishment is located on property on which taxes, assessment or

other financial claims to the state, county, school district or City are due and delinquent. In the event a suit has been commenced under Minn. Stat. Section 278.01-278.13, questioning the amount or validity of taxes, the City, upon application, may waive strict compliance with this provision. No waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one year after becoming due.

(b) Improper Zoning. No therapeutic massage establishment shall be licensed if the location of such establishment has not obtained a conditional use permit or any other required land use approval as outlined in the City's zoning code.

#### Sec. 8-10. - General License Requirements and Restrictions.

(a) Posting. A current therapeutic massage establishment license shall be posted in a conspicuous place on the premises at which the massage business is conducted. Upon demand of the City Administrator or designee, a therapeutic massage establishment shall also immediately produce a current and complete list of all licensed massage therapists who are employed by the therapeutic massage establishment. An individual licensed as a massage therapist shall also post his/her massage therapist license, with color photo, in a conspicuous place on the premises at which the therapist is associated. A massage therapist shall produce his or her massage therapist license upon demand by the City Administrator.

(b) Premises Licensed. A therapeutic massage establishment license is only effective for the compact and-contiguous space specified in the approved license application. If the licensed premises at which the massage business is conducted is enlarged, altered, or extended, the licensee shall inform the City within ten business days of such event. Failure to comply with this requirement shall constitute cause for revocation or suspension of such license.

(c) Transfer of License Prohibited. Licenses issued by the City are issued to the applicant only and are non-transferrable. An attempt to transfer a license from one person to another or from one establishment to another is a violation of this chapter which may subject the licensee to suspension or revocation

(d) Affiliation With Therapeutic Massage Establishment Required. A massage therapist shall be employed by, affiliated with, or own a licensed therapeutic massage establishment, unless a person or place is specifically exempted from obtaining a therapeutic massage establishment license by this chapter.

(e) Employment of Unlicensed Massage Therapists Prohibited. No therapeutic massage establishment shall employ or use any person to perform massage who is not licensed as a massage therapist under this chapter, unless the person is specifically exempted by this chapter from obtaining a massage therapist license. A therapeutic massage establishment may not open for business without a licensed massage therapist employed by or affiliated with the therapeutic massage establishment.

(f) Hours of Operation. No customers or patrons may be allowed to enter the licensed premises after 9:00 p.m. and before 7:00 a.m. daily. No customers or patrons may be allowed to remain on the licensed premises after 9:00 p.m. and before 7:00 a.m. daily. No massage therapist shall perform massage services after 9:00 p.m. and before

7:00 a.m. daily. Business hours must be posted on all public entryways into the massage facility.

(g) Coverage of Genitals During Massage. The licensee shall require and ensure that the individual who is receiving the massage shall at all times have his or her genitals, breasts, buttocks, and anus covered with nontransparent material or clothing.

(h) Massage Therapist Clothing Requirements. Any massage therapist performing a massage shall at all times be dressed professionally, shall have his or her breasts, buttocks, anus, and genitals covered with a non-transparent material or clothing and shall prominently display or wear their photo identification card.

(i) Effect of License Suspension or Revocation. No licensee shall solicit business or offer to perform massage services while under license suspension or revocation by the City.

(j) Inspection. During any hours in which any person is present on the licensed premises, the premises licensed under this chapter shall be open to inspection by any duly authorized representative of the City to determine whether or not this chapter and all other rules, laws and regulations are being observed. With reasonable notice, the business records of the licensee, including income tax returns, shall be available for inspection by the City during hours when the massage business is open for business. Licensee shall be subject to a fee for a third inspection, if orders to correct are issued to a licensee and those orders are not corrected upon re-inspection. All persons, as a condition to being issued such license, consent to such inspection and without a search warrant. All massage business premises shall be in good repair, clean and sanitary and meet the requirements of the City and state building and fire codes.

(k) Therapeutic massage establishments shall not contain nor allow the use by any person of sleeping quarters or living spaces of any kind intended for habitation, including but not limited to beds, cots, or mattresses.

(l) Massage tables, chairs, and other furniture on which massages are performed shall either be covered with clean linen or be washed after each use with a cleaning agent sufficient to prevent the spread of disease. Linens and towels shall be changed after each use and laundered by a commercial cleaning establishment or in approved laundry facilities on the premises.

(m) Posting Rates. All therapeutic massage establishments must post their service rates in a prominent place in the entrance or lobby of the business.

(n) Illegal Activities. Advertising by a licensee or representative of the licensee of any potential unlawful, misleading, sexually explicit, obscene or erotic conduct or massage at the licensed establishment shall be prohibited. A licensee shall be strictly responsible under this chapter for the conduct of the business, including the actions of any employee or agent of the licensee on the licensed premises.

#### Sec 8-11. - Term, Renewal of License.

(a) The term of licenses granted under this chapter is from January 1 through the following December 31. If a person submits an application for a license to be issued under this chapter any time following January 1 of a calendar year, the terms of any

such license shall expire on December 31 of the year following issuance of the license. The license fee for a partial calendar year may be pro-rated to one-half of the annual fee if an application is filed with the City after June 30.

(b) A licensee must annually submit an application to be renewed with the required fee. The application shall be submitted to the City at least thirty days prior to June 30 and shall be made on the City's application form.

(c) Within a reasonable period after completion of the renewal license verification process the City shall issue or deny the license in accordance with this chapter. The notice and appeal provisions set forth in Section 8-7(b) shall apply.

#### Sec. 8-12. – Sanctions for License Violations.

(a) Suspension or Revocation. The City may impose an administrative penalty, or the license may be suspended, revoked or not renewed for any of the following reasons:

- (1) Fraud, misrepresentation, or false statement contained in a license application or a renewal application.
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the licensed occupation or business.
- (3) Any violation of this chapter or state law.
- (4) A conviction by any licensee that is directly related to the occupation or business licensed as defined by Minn. Stat. § 364.03, subd. 2,
- (5) Conducting the licensed massage business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.
- (6) If the owner, manager, lessee or any of the employees are found to be in control or possession of an alcoholic beverage, a narcotic drug or controlled substance on the premises, other than drugs which may be purchased over the counter without a prescription or those for which the individual has a prescription.
- (7) If the holder of an establishment license fails to maintain with the City a current list of all employees of such licensed premises. The list shall include all massage therapists licensed under this chapter.
- (8) A police report and/or law enforcement investigation report regarding a licensed therapeutic massage enterprise or therapist is deemed by the City to contain a credible allegation of prostitution, sex trafficking or criminal sexual conduct.

(b) Notice and Hearing. A revocation or suspension shall be preceded by written notice to the licensee and a hearing before the City Council. The notice shall give at least ten (10) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to



the licensee at the most recent address listed on the licensee's license application.

(c) Ability to Reapply After Revocation. If a license is revoked pursuant to this chapter, the City shall not accept or consider a new license application from the licensee whose license was revoked for a period of one (1) year after revocation.

#### Sec. 8-14 – Penalties.

In addition to license sanctions, a person or entity that violates the provisions of this chapter is guilty of a misdemeanor, and shall be punished by a fine or imprisonment or both, together with the costs of prosecution. Each violation of this chapter shall constitute a separate offense.

Passed by the Council this 7<sup>th</sup> day of August 2023.

Teri Lachermeier  
Mayor

Susan Johnson  
City Clerk

This ordinance was published on August 10, 2023 in the Wright County Journal Press.

**City of Buffalo, Minnesota**  
**Ordinance 2023-13**

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE BUFFALO CITY CODE:

- Sec. 34-102. (a)
- Sec. 40-161. (a). (8)
- Sec. 40-218. (h)
- Sec. 40-219. (a)
- Sec. 50-160
- Sec. 50-259. (h). (7), (12), (18)
- Sec. 50-3
- Sec. 50-355. (b), (g)
- Sec. 50-357. (1)
- Sec. 50-428. (b)

The City Council of the City of Buffalo hereby ordains:

**Section 1.**

These sections are hereby deleted in their entirety, and amended to read as follows:

**Sec. 34-102. - Signs in multiple occupancy business and industrial buildings.**

- a. When a single principal building is devoted to four or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted for an administrative review and shall be of sufficient scope and detail to permit a determination as to whether or not the plan is consistent with the following regulations. No permit shall be issued for an individual use except upon a determination that it is consistent with the approved comprehensive sign plan.

**Sec. 40-161. - Proposed design features.**

- a. *Generally.* The preliminary plat shall include the proposed design features, including, at a minimum, the following:
  - 1) *Streets.* Layout of proposed streets showing the right-of-way widths, centerline gradients, typical cross-sections, and proposed names of streets in conformance with city and county street identification policies. The name of any street

heretofore used in the city or its environs shall not be used unless the proposed street is a logical extension of an already named street, in which event the same name shall be used.

- 2) *Alleys and pedestrian ways.* Locations and widths of proposed alleys and pedestrian ways.
- 3) *Water and sewer lines.* Locations and size of proposed sewer lines and water mains.
- 4) *Easements.* Location, dimension, and purpose of all easements.
- 5) *Lots and blocks.* Layout, numbers, lot areas and preliminary dimensions of lots and blocks.
- 6) *Street setbacks.* Minimum front and side street building setback lines. When lots are located on a curve, the width of the lot at the building setback line.
- 7) *Public use areas.* Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
- 8) *Grading plan.* Grading plan which shall include the proposed grading and drainage of the site and the garage floor or basement elevations of all structures. All areas of the plat shall be graded and meet the requirements for stormwater management and erosion control of this Ordinance. Grading plans shall show, and plat development shall provide that all private lots, outlot's for any purpose, and public dedication areas shall be finish-graded and seeded (or sodded as may be required) as a condition of plat approval. Exceptions to this grading requirement for areas specifically designed as natural areas within the plat may be exempted from this provision, at the discretion of the City Council.

#### **Sec. 40-218. - Streets and alleys.**

- a) *Streets to be continuous.* Except for cul-de-sacs, streets shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts, or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the area to be served.
- b) *Local streets and dead-end streets.* Local streets should be so planned as to discourage their use by non-local traffic. Dead-end streets are prohibited, but culs-de-sac shall be permitted where topography or other physical conditions justify their use. Cul-de-

sac shall not be longer than 500 feet, including a terminal turnaround which shall be provided at the closed end, with a right-of-way radius of not less than 60 feet.

- c) *Street plans for future subdivisions.* When the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider demonstrating that such plan will provide a reasonable extension of the street system based on soils, topography, watercourses, or other conditions.
- d) *Resubdivision of large lots and parcels.* When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and openings of future streets and appropriate resubdivision, with provision for adequate utility connections for such resubdivision.
- e) *Street intersections.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. Under normal conditions, the minimum angle of intersection of streets shall be 80 degrees. Street intersection jogs with an offset of less than 125 feet shall be avoided.
- f) *Subdivisions abutting major rights-of-way.* When the proposed subdivision contains or is adjacent to the right-of-way of a federal or state highway or thoroughfare, provision may be made for a marginal access street approximately parallel and adjacent to the boundary of such right-of-way, provided that due consideration is given to proper circulation design, or for a street at a distance suitable for the appropriate use of land between such street and right-of-way. Such distance shall be determined with due consideration of the minimum distance required for approach connections to future grade separations, or for lot depths.
- g) *Temporary turnaround.* Streets that are planned to extend onto adjoining property may be temporarily platted as "dead-end" streets, provided such streets are designed with a temporary turnaround that is subject to the approval of the city engineer. Such streets may exceed the maximum cul-de-sac length if this design is considered by the city to be the best reasonable alternative design. No variance shall be required in such a case.

Sidewalks. In all cases, and on at least one side of any new street, sidewalks and/or trails are considered an integral aspect of the transportation system in all plats. In those cases where the council deems it appropriate, sidewalks of not less than five feet in width shall be provided. When a proposed plat abuts or includes an arterial or major collector street, sidewalks, of not less than five feet in width on both sides of the paved surface shall be provided. When the proposed plat abuts or includes a minor collector or local street, sidewalks of not less than five feet in width shall be required on one side of the street. In all cases where sidewalks are provided provisions shall be made for

physically disabled access. Where trails are provided as a condition of plat approval in lieu of required sidewalks, such trails shall be included as a component of the street and sidewalk improvements required by this subdivision. Park dedication credit as required by Section 40-223 shall only be credited for trails constructed in excess of the minimum requirements of this subdivision.

h)

**Sec. 40-219. Easements.**

- a. *Width and location.* An easement for utilities at least five feet wide shall be provided along all lot lines, and at least ten feet along all right of way and around the outside perimeter of the plat. If necessary, for the extension of main water or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots.

**Sec. 50-160. Submission requirements.**

1. General concept stage.

a. General information.

1. The landowner's name and address and his interest in the subject property.
2. The applicant's name and address if different from the landowner.
3. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including attorney, land planner, engineer and surveyor.
4. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the city attorney may be required to show the status of title or control of the subject property.

(continued)

**Sec. 50-259. General provisions.**

h) *Stall, aisle and driveway design.*

- 1) Parking space size. Except for parking spaces for the physically disabled, each parking space shall be not less than 8.5 feet wide and 20 feet in length exclusive of access aisles, and each space shall be served adequately by access aisles.
- 2) Within structures. The off-street parking requirements may be furnished by providing a space so designed within the

principal building or one structure attached thereto; however, unless provisions are made, no building permit shall be issued to convert the parking structure into a dwelling unit or living area or other activity until other adequate provisions are made to comply with the required off-street parking provisions of this chapter.

- a. Garages shall be constructed to be no less than 21 feet in interior width, and no less than 450 square feet of interior floor area.
  - b. Single-family, two-family, townhouse, and quadrominium dwellings shall be constructed with at least two garage spaces.
- 3) Except in the case of single-family, two-family, townhouse and quadrominium dwellings, parking areas shall be designed so that circulation between parking bays or aisles occurs within the designated parking lot and does not depend upon a public street or alley. Except in the case of single-family, two-family, townhouse and quadrominium dwellings, parking area design which requires backing into the public street is prohibited.
- 4) The required parking spaces serving single-family dwellings in the R-2 and R-3 districts may be designed for parking not more than two vehicles in a tandem arrangement for each dwelling unit in order to comply with the requirements of this chapter.
- 5) No curb cut access shall be located less than 40 feet from the intersection of two or more street rights-of-way. This distance shall be measured from the intersection of lot lines.
- 6) Except in the case of single-family, two-family, townhouse and quadrominium dwellings, parking areas and their aisles shall be developed in compliance with the standards on the parking lot dimensions table.
- 7) No curb cut access shall exceed 28 feet in width unless approved by the city engineer.
- 8) Except with special approval from the zoning administrator, curb cut openings shall be a minimum of five feet from the side yard property line in all districts.
- 9) Driveway access curb openings on a public street except for single-family, two-family, quadrominium and townhouse dwellings shall not be located less than 40 feet from one another.
- 10) The grade elevation of any parking or driveway area shall not exceed ten percent.
- 11) Each property shall be allowed one curb cut access for each 125 feet of street frontage. All property shall be entitled to at least one curb cut. Single-family uses shall be

limited to one curb cut access per property unless a conditional use permit is reviewed by the planning commission and approved by the council.

- 12) Surfacing. All areas intended to be utilized for parking space and driveways shall be surfaced with asphalt, concrete or pavers. Plans for surfacing and drainage of driveways and stalls for five or more vehicles shall be submitted to the city engineer for his review and the final drainage plan shall be subject to his written approval.
- 13) Striping. Except for single, two-family, townhouse and quadrominiums, all parking stalls shall be marked with white or yellow painted lines not less than four inches wide.
- 14) Lighting. Any lighting used to illuminate an off-street parking area shall be so arranged as to be in compliance with section 50-360.
- 15) Curbing and landscaping. Except for single-family, two-family, townhouse and quadrominiums, all open, off-street parking shall have a perimeter curb barrier around the entire parking lot and circulation area; the curb barrier shall not be closer than five feet to any lot line. Grass, plantings or screening shall be provided in all areas bordering the parking area.
- 16) Required screening. All open, nonresidential, off-street parking areas of five or more spaces shall be screened and landscaped from abutting or surrounding residential districts in compliance with sections 50-358 and 50-359.
- 17) Adequate space for snow storage shall be provided on the site so as not to reduce the required minimum number of parking spaces.
- 18) Shared access to a parcel shall be discouraged. If allowed through an administrative review by the zoning administrator, an agreement dictating the terms of the shared access with a neighboring parcel shall be executed and recorded against the properties.

### **Sec. 50-3. - Definitions.**

*Accessory building or use* means a subordinate building or use which is located on the same lot on which the main building or use is situated, and which is reasonably necessary, incidental to, and supportive of the conduct of the principal use of such building. An accessory building or use shall be lesser in extent, size, or area to that of the principal building or use.

*Major accessory building* is a building subordinate to the principal building on the same lot that is 200 square feet or greater.



*Minor accessory building* is a building subordinate to the principal building on the same lot that is 199 square feet or less.

**Sec. 50-355. - Accessory buildings and structures.**

- a) Farm buildings are exempt from the requirements of this subdivision.
- b) One major and one minor accessory building shall be allowed on the same lot. The total floor area for a detached major and minor accessory building and attached garage shall not exceed 1,200 square feet on a single-family residential lot except by conditional use permit.

(continued)

- g) Conditional use permits. The height and area limits for accessory buildings may not exceed that allowed in subsections (c), (d), and (e) of this section, except by a conditional use permit. In addition, no permit shall be issued for the construction of more than one major or minor accessory building per lot in residential zones except by conditional use permit.

**Sec. 50-357. - Fences.**

Fences shall be permitted in all yards, subject to the following:

- a) *Permit required.* It is unlawful for any person, except on a farm and related to farming, to hereafter construct or cause to be constructed or erected within the city, any fence of seven feet in height or greater without first making an application for and securing a building permit and conditional use permit.

**Sec. 50-428. - Model homes.**

- a) *Purpose.* The purpose of this section is to provide for the erection of model homes in new subdivisions without adversely affecting the character of surrounding residential neighborhoods or creating a general nuisance. As model homes represent a unique temporary commercial use, special consideration must be given to the peculiar problems associated with them and special standards must be applied to ensure reasonable compatibility with their surrounding environment.

## **Section 2.**

This Ordinance may be published in Summary Form per adoption of an appropriate resolution of the City Council.

## **Section 3.**

The City Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Buffalo City Code, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The City Clerk is further directed to make necessary corrections to any internal citations and diagrams that result from such amendments, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

## **Section 4.**

This Ordinance shall take effect and be in full force from and after its passage and publication. Revisions will be made online after adoption by Council. Copies of the complete Zoning Ordinance are available online and at Buffalo City Hall.

## **Section 5.**

This Ordinance shall take effect and be in full force from and after its passage and publication.

Teri Lachermeier, Mayor

ATTEST:

Susan Johnson, City Clerk

This Ordinance was published in the Wright County Journal Press on December 28, 2023.